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Attorneys for Defendants  
ALZA CORPORATION and  
ORTHO-MCNEIL PHARMACEUTICAL, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE: DITROPAN XL ANTITRUST  
LITIGATION

CASE No. MDL Docket No. 1761 (JSW) (EDL)

THIS DOCUMENT RELATES TO:  
  
THE DIRECT PURCHASER ACTION

**STIPULATION AND [REDACTED] ORDER  
EXPEDITING BRIEFING SCHEDULE AND  
HEARING FOR ALZA’S MOTION TO  
COMPEL THE PRODUCTION OF  
DOCUMENTS AND WRITTEN  
DISCOVERY FROM AMERICAN SALES  
COMPANY**

This stipulation is entered into by and between the Direct Purchaser Plaintiff American Sales Company (“ASC”) and Defendant Alza Corporation (“Alza”), through their counsel of record and without prejudice to the parties’ respective positions taken and asserted in connection with the pending motion to dismiss. For the reasons explained below, this Stipulation between ASC and Alza establishes an agreed-upon expedited briefing schedule for Alza’s motion to compel the production of documents and written discovery from ASC.

1           1.       On October 27, 2006, the Court held an initial case management conference pursuant  
2 to Local Rule 16-10(a) and Federal Rule 16. As a result of that conference, the Court entered  
3 Stipulated Case Management Order No. 2 (“CMO”) on November 1, 2006.

4           2.       On January 9, 2007, Alza served its First Request for Production of Documents  
5 (“RFPs”) and First Set of Interrogatories (“Interrogatories”) on ASC. On February 21, 2007, ASC  
6 served its First Request for the Production of Documents and First Set of Interrogatories on Alza.

7           3.       Pursuant to Fed. R. Civ. Proc. 37 and Civil L.R. 37-1(a), the parties have met and  
8 conferred regarding ASC’s responses to Alza’s RFPs and Interrogatories, but have been unable to  
9 resolve certain of the discovery disputes.

10          4.       On June 26, 2007, ASC filed a motion class certification. Pursuant to the CMO, the  
11 deadline for Defendants Alza and Ortho-McNeil Pharmaceutical, Inc. (collectively, “Defendants”)  
12 to respond to ASC’s motion for class certification is September 25, 2007.

13          5.       In view of the impending deadlines and the outstanding procedural issues that remain  
14 unresolved between the parties and under consideration by the Court, on August 27, 2007, the  
15 parties agreed to continue the dates and deadlines in the CMO and jointly requested that the Court  
16 enter an amended CMO with new dates and deadlines by way of stipulation and order. The new  
17 agreed-upon deadline for Defendants to respond to ASC’s motion for class certification is  
18 November 27, 2007.

19          6.       Notwithstanding the parties’ stipulation that the Court continue the dates and  
20 deadlines in the CMO, Defendants believe that they will not be able to respond to ASC’s motion for  
21 class certification without adequate responses to the RFPs and Interrogatories which Alza will be  
22 moving to compel. In order for Defendants to have time to prepare their briefs and expert reports in  
23 opposition to the pending class certification motion and to avoid any further continuation of the  
24 class certification deadlines, an expedited briefing and hearing schedule on Alza’s motion to compel  
25 is necessary.

26               WHEREFORE, based on the foregoing facts and circumstances, the parties have met,  
27 conferred and agreed to jointly request an expedited briefing and hearing schedule for Alza’s  
28

1 motion to compel the production of documents and written discovery from ASC. Pursuant to Civil  
2 L. R. 6-2 and 7-12, the parties hereby agree and stipulate to the following briefing and hearing  
3 schedule and request the Court's approval thereto:

- 4 a. Alza's motion to compel will be filed and served on or before September 6, 2007;  
5 b. Plaintiff's opposition brief will be filed and served on or before September 13, 2007;  
6 c. Alza's reply brief will be filed and served on or before September 20, 2007; and  
7 d. The hearing date on the motion to compel will be set for 9:00 am, October 2, 2007 in  
8 Courtroom E.

9  
10 **STIPULATED AND AGREED TO BY:**

11 Dated: August 28, 2007

12 By: /s/ Edward Notargiacomo

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Dated: August 28, 2007

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: August 30, 2007

  
Magistrate Judge Elizabeth D. Laporte  
United States District Court Magistrate